Votes of the illiterate voters.

225. Mr. K. T. Mathew.—Will the Government be pleased to state whether the Government have seen the notification (rules) issued by the Government of Madras, published in almost all the Madras Dailies directing how the votes of illiterate voters of the Legislative Council should be recorded and whether our Government have any objection to adopt the method mentioned therein, for the Cochin Legislative Council election?

Mr. T. K. Krishna Menon.—Yes. Practically, the same method is followed here also. The Member is referred to Rules 32 (3) and 35 of Schedule III of the Electoral Rules.

Mr. K. T. Mathew.—The point raised is that the mark is made there in the presence of the agent. Our Rules do not provide for that.

Mr. T. K. Krishna Menon.—I refer the Member to Rule 28 (page 33 of Schedule III of the Electoral Rules). Our rule provides for the presence of the agent as well as of the candidate.

Mr. K. T. Mathew.—Not in the case of marking. In the case of illiterate voters in British India, the agents can see the marking. If they are present, the agents can see that they mark against the particular Member.

President.—Which is that rule about marking? Is there any rule? In the Madras Rules, he says the agent or the candidate can be present at the time of marking.

Mr. K. T. Mathew.—It was published in all the papers.

Mr. T. K. Krishna Menon.—I have got a copy of it from the Fort St. George Gazette itself. That is a long rule. I have no objection to read it. The portion, about which reference is made by the Member is not there. There is no rule in Madras that the agent should be present at the time of marking.

President.—Here it is the question of marking and whether, at the time of marking, the agent can be present or is to be excluded.

Mr. T K. Krishna Menon.—Rule 28 says that the officer cannot exclude either the agent or the candidate.

President.—So that Mr. Mathew's point is that the agents in polling stations will have to see about the marking also.

Dr. A. G. Menon.—Sir, during the last election, in Tattamangalam, the agents were refused admission. Nobody was allowed to see the marking by the illiterate voters. I bring this for the information of the Council.

Mr. K. T. Mathew.—In my constituency, I was not allowed.

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President.—As per the rules and instructions given on the last occasion, they have got a right to be present.

Mr. T. K. Krishna Menon.—The polling officer may have violated the rule. The rule strictly says that he cannot exclude the candidate or the agent. There is nothing wrong with the law.

Dr. A. G. Menon.—They are not allowed to see the marking.

Mr. S. S. Koder.—Yes, Sir. They were excluded. I was excluded.

Mr. C. A. Ouseph.—Marking is done in the booth itself. That is a separate room in which the agent and the candidate are not allowed entry.

President.—That is in contravention of the Madras rules on the subject. They are entitled to be present there. If, in the particular recent election, the agents were excluded, it was in contravention of the rules.

Mr. T. K. Krishna Menon.—That is what I say.

President.—But in the carrying out of it, we have committed an error.

Mr. A. B. Salem.—In the last election in Mattancheri, I was not allowed.

President.—Our rules are the same as the Madras rules, but, in giving effect to our rules, we committed a mistake.

Mr. T K. Krishna Menon.—Not we. A polling officer or some of them may have.

Mr. K. T. Mathew.—We request that clear instructions may be issued in the matter, at least, for the next election.

President.—Is it rule or instruction? That is not exactly the rule; it is instruction.

Mr. T. K. Krishna Menon.—Summary of instructions.

President.—The rules are the same, but we have not issued similar instructions; that is all.

Dr. A. G. Menon.—For the next election, this may be done.

Mr. Chakko Cheruvattur.—Rule 34 is to that effect.

President.—But this does not refer to the presence of the absence of the agent.

Mr. Chakko Cheruvattur.—That contemplates secrecy. According to the gist of the instructions given to the polling officer, he is to proceed to the place, and, as soon as the voter is identified, he is to fill up his vote paper, and then go back. That contemplates secrecy and does not contemplate the presence of the agent or the candidate.

President.—Suppose the polling officer is asked to mark a particular candidate, and, instead of marking the candi-

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date the voter has in view, he marks a different candidate of whom he is in favour. That is why the agent must also know. We have to observe the secrecy, but, in matters like this, the elector must be satisfied that he has voted for the right man he has in view, and he can know it only through the agent, so that the help of the agent is necessary from the very nature of the case.

Mr. K. T. Mathew.—In Madras the rules were the same, but subsequently they found out the real difficulty. Just before the last election, these instructions were issued, and it was published in all the important papers. I got this from the papers. I felt the grievance, and that is why I put this question.

Dr. A. R. Menon.—But, in that case, how will you maintain secrecy? The agents or the candidates of the contending parties should not know who has voted for whom. The main object is to preserve secrecy. If an agent knows that so and so has voted for such and such a person, he may be prosecuted. The Government think it proper that the voter should be protected, and he can only be protected, if absolute secrecy is maintained. Therefore, the agents or the candidates are not allowed to see the voter voting. That is one point. The second point is what he has observed. It is really a serious problem also. We have to find out a way which will meet both objections.

Mr. A. B. Salem.—The secrecy will not be lost. Then, the secrecy will be in two breasts, instead of one. The agent cannot give the information; whatever information he has gained, he is enjoined not to divulge. The fact remains there.

President.—If the agent has the information, it is still a secret.

Mr. A. B. Salem.—It will be a secret with the agent as well as the polling officer.

Dr. A. G. Menon.—It is not a secret to an agent. There will be so many agents, and there will be no secrecy whatsoever. Once the agents know it, it is public.

Dr. A. R. Menon.—Not only that, Sir, naturally my agent identifies himself with my interest. That is the difficulty. Where the polling officer is supposed to be a person who does not identify himself with my interest or any one else's interest, he will understand that so and so has voted against you or anybody else. That is to say, he is liable to be prosecuted by me, if I am able to prosecute him.

Mr. C. A. Ouseph.—The essence in ballot is that there is secrecy. When the rules contemplate that the marking in the case of illiterate persons can be done by the officer, there is no room for balloting; when another man marks, it is not a real

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ballot. In the case of such votes, no secrecy is intended. In the case of a person who does not know whom he marks, he tells him that he should mark against such and such a person. That is the principle on which all ballotting is conducted. The man who marks knows to whom he has voted. No one else knows, and unless there is an enquiry under the section, no one can know for whom a man has voted. That is ballotting. So, the information given to the agent does not matter.

Dr. A. R Menon.—What is the object of the secrecy? The object is to ensure protection to the voter so that he may exercise his vote. That is the main object. The voter is entitled to come to the polling booth, and say "I vote for such and such a person". It may so happen for a poor peasant that he wanted to vote for a certain candidate, and the parties may have some hold over him, and he will find himself in a difficult position in that case. You will give this instruction to the polling officer who is supposed to be a gentleman, and he will see that he puts his signature on the cover. If and when a case arises, you will find his signature, and he is expected to mention that he has marked a paper. That is one object.

As they say, there is certainly a complaint like that. Complaints may arise, if the polling officer forgets himself in identifying the men. The protection of the voter must be the primary consideration. If you want that you must have secret voting, ballot voting is meant by that.

Particulars regarding Dr. A. R. Puduval.

226. Mr. Chakko Cheruvattur.—Will the Government be pleased to state.—

(a) whether Dr. A. R. Puduval was in our State service at any time prior to 1097; if so, when was he first entertained, and what were his qualifications on the date of his appointment;

(b) when did he leave for England for prosecuting higher studies and how many years' study leave was he granted; what was his grade in the service, when he left for England;

(c) did he apply for an extension of his leave before the expiry of his study leave to enable him to go in for military service; if so, when;

(d) was any reply given to this request; if no reply was given, why was it not given; if it was replied to, when was it replied, and what was the delay due to;

(e) does not the Government consider that military service is one of the best methods of acquiring experience in medical practice;

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